

PATENT
ATTORNEY DOCKET NO.: 042715-5021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Yasushi NIITSU, et al.)
U.S. Application No.: 10/586,148) Group Art Unit: Unassigned
International Appln. Filing Date: March 5, 2004)
Date of National Stage Entry: July 14, 2006) Examiner: Unassigned
For: **STRESS MEASURING METHOD AND**)
INSTRUMENT)
)

Commissioner of Patents
MAIL STOP PCT

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed March 30, 2007.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

07 APR -6 AM 9:00

3. English Translation of Non-English Language Papers

- Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.
- Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

Applicant(s) hereby assert small entity status.

5. Fee Calculation

		Basic National Stage Fee: \$300.00	Paid July 14, 2006
	Number Filed	Number Extra	at a Rate of
Total Claims	4-20 =	0	\$50.00 each= +\$
Independent Claims	3- 3 =	0	\$200.00 each= +\$
Multiple dependent claim(s), if any		\$360.00	+\$
Missing Requirements Surcharge Fee		\$130.00	\$130.00
Application Size Fee \$250.00 for each additional 50 sheets that exceeds 100			\$
Application Search Fee		\$500/\$400/\$100	Paid July 14, 2006
Examination Fee		\$200.00	Paid July 14, 2006
		SUB-TOTAL =	\$ 130.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))		\$130.00	+\$ 130.00
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))		\$130.00	+\$
04/09/2007 LLNDGRA 00000019 500310 10586148		TOTAL FILING FEE =	\$ 260.00
01 FC:1617	130.00 DA		
02 FC:1618	130.00 DA		

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Extension Fee</u>	<u>Extension Fee [Small Entity]</u>
<input type="checkbox"/> One month	\$120.00	\$60.00
<input type="checkbox"/> Two months	\$450.00	\$225.00
<input type="checkbox"/> Three months	\$1,020.00	\$510.00
<input type="checkbox"/> Four months	\$1,590.00	\$795.00
<input type="checkbox"/> Five months	\$2,160.00	\$1,080.00

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

- Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is: Completion Fees \$260.00
 Assignment Fees \$ 40.00
 Total Fee Due \$300.00

- The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- Form PCT/IPEA/409 (English Translation)
- Preliminary Amendment
- PCT/IB/338 English translation of the International preliminary Examination Report
- Information Disclosure Statement
- Form PTO-1449, 15 documents as listed
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Robert J. Goodell, Reg. No. 41,040

Date: April 5, 2007

Customer No. 09629

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/586,148	Yasushi Niitsu	042715-5021
INTERNATIONAL APPLICATION NO.		PCT/JP04/02918
I.A. FILING DATE		PRIORITY DATE
03/05/2004		01/15/2004
CONFIRMATION NO. 2775		
371 FORMALITIES LETTER		
 *OC000000023107388*		

9629
 MORGAN LEWIS & BOCKIUS LLP
 1111 PENNSYLVANIA AVENUE NW
 WASHINGTON, DC 20004-
 Docketed 4/2/07 Attorney RJG
 Case 42715-5021
 Due Date May 30, 2007
 Action Missing Requirement
 By PSF Chk BR

Date Mailed: 03/30/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/14/2006
- Copy of the International Search Report filed on 07/14/2006
- U.S. Basic National Fees filed on 07/14/2006
- Priority Documents filed on 07/14/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$260 for a Large Entity:

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MORGAN, LEWIS & BOCKIUS LLP

- \$130 Surcharge.
- \$130 for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

ANITA D JOHNSON

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PART 1 - ATTORNEY/APPLICANT COPY

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10/586,148	PCT/JP04/02918	042715-5021

FORM PCT/DO/EO/905 (371 Formalities Notice)